

JAMES E. DANNEMILLER
President, SMS Research

Mr. Dannemiller is a veteran with 30 years of professional research experience. His technical expertise covers research design, questionnaire design, sampling, data collection, all areas of project design, plus univariate, bivariate, and multivariate statistical techniques. Mr. Dannemiller has been principal investigator for many types of research. His expertise ranges from marketing and consumer research, through media measurement and advertising impact, to market segmentation and customer satisfaction. His public opinion research experience ranges from political polling, through issues research, to program evaluation.

He is responsible for many important research projects conducted in Hawaii over the past three decades. He has directed seminal research in visitor marketing, health status monitoring, visitor expenditure measurement, homelessness assessment, housing needs, sovereignty for Native Hawaiians, and charitable contribution research. He has conducted research in a broad and diverse range of fields including health, education, human services, transportation, media, banking, retailing, consumer behavior, customer satisfaction, and many others.

Prior to joining SMS Research in 1978, Mr. Dannemiller spent nine years as the Director of the Survey Research Office at the University of Hawaii at Manoa. In that capacity, he directed all of the survey and institutional research for the University's nine campuses, and provided consultation to faculty and staff on research design and analysis.

Mr. Dannemiller is an accomplished speaker and frequent lecturer at the University of Hawaii. He is a member of the adjunct faculty at Hawaii Pacific University and teaches at Chaminade University. He teaches marketing research, consumer behavior, and business statistics. He is a member of the Travel and Tourism Research Association, the American Marketing Association, and the American Statistical Association. He serves on the Board of Directors for Catholic Charities Hawaii.

Since 1974, Mr. Dannemiller has been involved with survey research and statistical analysis in support of litigation. He has been qualified as an expert in these and related fields in both State of Hawaii and Federal Court and the District Court of San Francisco. He has prepared testimony and provided expert witness services for plaintiffs and defendants and has worked on cases for government agencies, businesses, and individuals. In recent years, Mr. Dannemiller has developed a minor specialty in the application of sampling and inferential statistics to class action litigation. Of particular importance in this arena are his services to the Marcos case and the Pleasant Hill Cremation case. The attached list describes some of Mr. Dannemiller's court-related research.

Education:

BA, History, Miami University, Oxford, Ohio
BA, East Asian History, University of Hawaii, Manoa
MA, Sociology, University of Hawaii, Manoa

Professional References:

George Willoughby, Director of Research Development, Hawaiian Electric Company, Inc.,
543-4741
Alvin Onaka, Dept. of Health, Office of Health Status Monitoring, 586-4600
Frank Haas, University of Hawaii School of Travel Industry Management, 956-7111
Sherry Broder, Esq., Law Office of Sherry Broder, 531-1411
Kevin McInerney, Esq., 702-849-3811

Exhibit "16"

LIST OF LEGAL CASES OF JAMES E. DANNEMILLER

Case ¹	Client	Service	Outcome
Hawaii Jury Selection Cases (approx. 5)	Various criminal cases (d)	Analysis of existing data and testimony.	All cases decided for plaintiff. Jury selection procedure eventually instituted by courts.
Legal Aid vs. Hawaii Department of Housing and Human Services	Legal Aid (p)	Analysis and testimony on adequacy of statistics for service administration (Flat Grant).	Decision to plaintiff. New system of data collection and analysis instituted at DSSH.
Hammer DeRobert vs. Honolulu Star Bulletin, et. al.	Honolulu Star Bulletin (d)	Survey, analysis, stipulation.	Finding for the defendant only partially based on statistical evidence.
Gotanda, et. al. vs. Hawaii Department of Labor and Industrial Relations	Gotanda, et. al. (p)	Statistics evaluation, secondary data analysis, deposition and testimony.	Finding for defendant; statistical evidence insufficient for claim.
Fair trade laws case Hawaii made product	Hawaii manufacturer (p)	Survey, analysis, stipulation.	Settled. Survey was instrumental in demonstrating fair trade violations.
Fair trade case (2) Hawaii Travel Services (California District Court)	Hawaii Travel Service (p)	Survey, analysis, deposition, stipulation.	Finding for the plaintiff. Stipulation was accepted as evidence.
Fair trade case (3) Hawaii name similarity	Plaintiff (p)	Survey, advice.	Survey showed no evidence of fair trade law violation. Case dismissed.
Newspaper libel case	Plaintiff (p)	Survey, analysis, advice.	Survey showed no evidence of libel. Case dismissed.
First Amendment / Pornography (more than seven cases)	Various defendants (d)	Surveys, analysis, stipulations, deposition.	Jury cases lost; none-jury won.
Palmyra Yacht murder cases (2)	Defendants (d)	Surveys, analysis, testimony.	Motions for change of venue lost.

(continued)

¹ List of major legal research projects and testimony undertaken by Mr. James E. Dannemiller between 1972 and 2003. This list is not intended to be a comprehensive compendium of all such work. In some cases, clients are not (and cannot be) identified by name or association. Additional details can be supplied if necessary.

Case ²	Client	Service	Outcome
Feher vs. Hawaii Department of Labor and Industrial Relations	Plaintiff (p)	Data analysis, stipulations.	Finding for plaintiff. Largest settlement on record in Hawaii courts.
Abramson vs. University of Hawaii	Plaintiff (p)	Analysis, stipulations.	Case withdrawn. Data analysis showed no evidence of discrimination.
Bruce Yamashita vs. United States Marine Corps	Plaintiff (p) and the Japanese American Citizens League (p)	Statistics evaluation, analysis, stipulations, testimony before Marine Corps Board	U.S. Marine Corps accepted statistical testimony, granted all plaintiff's claims. Statistical evidence proved bias in the Marine Corps Officer training course in which Mr. Yamashita was a candidate. Yamashita was reinstated in the Marine Corps with the rank of Captain.
Estate of Ferdinand Marcos	Sherry Broder, Attorney at Law (p)	Statistical design and testimony pursuant to use of survey data in class action suit. Developed a plan by which testimony could be taken from a probability sample of plaintiffs and results could be applied to the population of over 10,000 plaintiffs.	Court accepted survey design, funded survey work, based findings on results. Awarded to plaintiffs. This was the first time that sampling principles were used to deal with a class action suit in the United States courts.
State of Hawaii vs. Kenneth W. Mathison	Koshiba & Young, Attorneys at Law (d)	Survey, statistical analysis.	Motion for change of venue denied.
Star Markets, Ltd. vs. Texaco	Defendant (d)	Likelihood of confusion and other surveys, deposition, testimony.	Two surveys were accepted by the Court.

(continued)

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Case ³	Client	Service	Outcome
Hawaiian Sun vs. Monarch Foods	Plaintiff (p)	Likelihood of confusion and other surveys, deposition, testimony.	Settled out of court after survey results were submitted.
James C. Hansell, et al. vs. Pleasant Hill Cemetary, et al.	Court (c)	Design and execute a sampling system for class action damage suit.	Court applied the design and made awards based on results of sample trials.
Glenn Grant vs. Bess Press, et al.	Mark Bernstein, Attorney at Law (d)	Likelihood of confusion survey, secondary data analysis, deposition, testimony.	Settled out of court before survey results were submitted.
Ronald L. Obrey, Jr. vs. Hansford T. Johnson	Clayton Ikei, Attorney at Law (p)	Review statistics, analysis.	Pending.

Notes: (p)=professional services for plaintiff; (d)=professional services for defendant; (c)=court. Mr. Dannemiller has also completed surveys, data analyses, and testimony before Boards and Commissions in Hawaii. Tangentially, his work has included marketing research for law corporations, numerous jury polls, mock juries, and jury selection research. He has been deposed numerous times. He has been qualified as an expert by Federal and Hawaii State courts in the following fields: Survey research, statistical analysis, data collection procedures, and multivariate analysis. He has never failed to be qualified before a court or commission, and has never had materials rejected as evidence.

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